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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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| THE BOARD OF TRUSTEES, in their capacities as |) No. 1:08-CV-5652-CRB |
| Trustees of the LABORERS HEALTH AND |) |
| WELFARE TRUST FUND FOR NORTHERN |) |
| CALIFORNIA; LABORERS VACATION-HOLIDAY |) |
| TRUST FUND FOR NORTHERN CALIFORNIA; |) |
| LABORERS PENSION TRUST FUND FOR |) STIPULATION TO |
| NORTHERN CALIFORNIA; and LABORERS |) CONTINUE FURTHER CASE |
| TRAINING AND RETRAINING TRUST FUND FOR |) MANAGEMENT |
| NORTHERN CALIFORNIA; and THE BOARD OF |) CONFERENCE STATEMENT; |
| TRUSTEES, in their capacities as Trustees of the |) PROPOSED ORDER |
| CEMENT MASONS HEALTH AND WELFARE |) CONTINUING FURTHER |
| TRUST FUND FOR NORTHERN CALIFORNIA; |) CASE MANAGEMENT |
| CEMENT MASONS PENSION TRUST FUND FOR |) CONFERENCE |
| NORTHERN CALIFORNIA; CEMENT MASONS |) |
| VACATION/HOLIDAY TRUST FUND FOR |) |
| NORTHERN CALIFORNIA; CEMENT MASONS |) Date: June 5, 2009 |
| APPRENTICESHIP AND TRAINING TRUST FUND |) Time: 10 a.m. |
| FOR NORTHERN CALIFORNIA, |) Courtroom: 17th Floor |

Plaintiffs,

v.

VARGAS & ESQUIVEL CONSTRUCTION, INC., a
 California Corporation,

Defendant.

STIPULATION CONTINUING CMC/(PROPOSED) ORDER

Plaintiffs and Defendants hereby stipulate as follows:

The Initial Case Management Conference was scheduled for March 26, 2009. The parties submitted and the Court approved a Stipulation to Continue the Initial Case Management Conference in light of the fact that the parties requested referral to the Court's ADR Program. The Case Management Conference was continued until June 5, 2009.

Plaintiffs' legal counsel mistakenly thought that the parties had automatically been referred to the Court's ADR Program and discovered last week that the parties needed to submit to this Court a formal stipulation and proposed order selecting the ADR process. Accordingly, a signed stipulation is filed herewith for the Court's consideration.

On or around April 14, 2009, Defendants allowed Plaintiff Trust Funds audit entry to audit their payroll records. The parties would like this matter to be heard by mediation no later than July 1, 2009, rather than spending resources on court litigation.

For these reasons, the parties respectfully request by stipulation attached hereto that this Case Management Conference be continued again until after July 1, 2009. If the matter does not settle by then, the parties will be prepared to enter in to a case management schedule and commence discovery.

Dated: May 22, 2009

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: //s//

NICOLE M. PHILLIPS
Attorneys for Plaintiffs

Dated: May 22, 2009

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By: //s//SIGNATURE AUTHORIZED

GENE FARBER
Attorneys for Defendant

~~PROPOSED~~ ORDER

The Court having read the foregoing Stipulation, the Court hereby orders the continuance of the Further Case Management Conference to July 10, 2009 at 8:30 a.m.

Signed: May 26, 2009

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